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is written. The system of arrangement is clear, and an excellent index makes the work most available for ready reference. Although many of the cases chosen for illustration are taken from the New York reports, and a large part of the text is devoted to peculiarities of the law of that state, yet there are many citations from a broader field, and the book gives usually an excellent statement of the law in other jurisdictions. In some few instances, however, Judge McAdam has stated as the general law a rule peculiar to New York. A flagrant example of this error is to be found on page 83, when it is said that if a tenant holds over the extent of his term without the landlord's permission, the latter may, at his election, treat the tenant as a trespasser or hold him as tenant for a renewed term upon the conditions of the prior lease as far as applicable. This is in accord with the decisions in New York, but the general rule is that he is a tenant at sufferance, and only upon the payment of rent, or some similar form of acknowledgment, can he be called a tenant from year to year. Moreover, he is never a trespasser, for his original entry was lawful. Again, the statement is made that an oral disclaimer of his landlord's title by a tenant for years does not work a forfeiture. This is law in England and in New York, but the prevailing doctrine in this country is the other way. *Willison v. Watkins*, 3 Pet. 43. In proportion to the whole work, however, these are but minor faults. In general, as has been said, the book is accurate and clear. Judge McAdam's work will doubtless prove valuable to the profession, and particularly so to those who practice law in New York state.

E. S. T.

HISTORICAL JURISPRUDENCE. An Introduction to the Systematic Study of the Development of Law. By Guy Carleton Lee, Ph. D. New York: The Macmillan Company. 1900. pp. xv, 517.

This book is of equal interest to the lover of history and to the student of law. Tracing as it does the foundation and development of legal principles in those countries whose systems of law have been of lasting impression upon the jurisprudence of modern civilization, their social conditions and political history are of necessity considered, law being, as the author says, "an outgrowth of the needs of man in society;" while at the same time legal principles and institutions are examined with sufficient minuteness to give to the lawyer a technical knowledge of the substantive law of those systems from which our present ideas are largely an outgrowth.

The book is divided into three main parts. Part I., dealing with the foundations of law, takes up in succession the legal systems of Babylonia, Egypt, Phœnicia, Israel, India, and Greece. The sources and history of the law of each of these countries is discussed, whether developed from mere custom, or adopted from other nations, or made in the process of political growth; and certain branches of the law are traced with especial care. These are such subjects as contracts, sales, mortgages, domestic relations, property rights, and succession. The reader finds among these topics many familiar principles of the law of to-day. Part II. treats the development of jurisprudence, and deals especially with the growth of the principles of the great system of Roman law, which has so influenced all other systems since its day. This is traced from its beginnings down to the time of the code of Justinian. The origin and growth of the

Canon Law and the extent of its influence and jurisdiction throughout Europe are dwelt upon at some length ; and the law established in Roman territory by the barbarian invaders, perpetuating so much of the law of the conquered people, is discussed. The subject of Part III. is The Beginnings of Modern Jurisprudence. Under this heading are considered the renewed study of Roman law beginning with the revival of intellectual activity after the Dark Ages in the twelfth century, and the reception of Roman law in Italy, Germany, France, Spain, and Scotland. Lastly the author discusses the early English law, considering its history and the sources and development of its modern ideas. This subject is carried down to the time of Bracton, who was among the first lawyers to insist upon a reliance upon precedents, and thus practically established our present system of case law.

The book gives, on the whole, an excellent view of the origin and growth of legal principles and of the science of jurisprudence from the earliest appearance of legal thought down to the point where the average law student begins his study. In our desire to fit ourselves as soon as possible for active practice, we in America are very apt to neglect the historical side of the law, and are willing to begin where our modern principles and ideas began, without taking the time to investigate the foundation upon which those principles rest, and to compare our ideas with the ideas which have by gradual growth become established in other countries. A well-rounded lawyer will have some knowledge of the historical basis of his own law and of the jurisprudence of other countries, and this knowledge will be of value to him in understanding the principles he employs in practice. There are few books which will in so short a space furnish such an excellent general view of these subjects as does this work of Mr. Lee, and which will impress upon the student so thoroughly that the legal principles he investigates were not made on the spur of the moment, but are the result of a long process of development.

L. P. M.

ELEMENTS OF AMERICAN JURISPRUDENCE. By William C. Robinson, LL. D. Boston : Little, Brown & Co. 1900. pp. lviii, 401.

This is a companion volume and introduction to Mr. Robinson's excellent treatise on Elementary Law, and will prove of distinct value to all entering upon the study of law. The method is pursued that was found so satisfactory in the author's Elementary Law,—to each paragraph of text numerous authorities are appended where the student may find a more extended treatment of the subject. Mr. Robinson's discussion is sufficient to enable the student intelligently to approach these references.

The author very largely follows Holland in his discussion of the nature of law and in his classification of rights, but devotes more attention to the subject of "duties." An excellent chapter treats of the forms of law—the origin and growth of the unwritten and the written law. The nature and origin of courts is also discussed at length. A subsequent chapter deals with Fictions and Presumptions. As to the latter the author makes the seemingly unsound and certainly useless distinction between presumption of fact and of law. A section is also devoted to Conflicting Presumptions. However valid this latter class may be in continental systems of law, where "arithmetic is substituted for observation in estimating the value of evidence," it is entirely inapplicable to the common sense meth-